

TOWN OF CECILTON
MAYOR AND COUNCIL REGULAR MEETING
Monday, April 27, 2009
7:00 p.m.

The Town Council held a Regular Meeting at Town Hall on Monday, April 27, 2009. The following were in attendance:

John J. Bunnell, Mayor

Joseph A. Zang, III, Member
Craig DeVary, Member

Michael Cooper, Member
Terry Moore, Member

Call to Order: 7:00 p.m.

All in attendance recited the Pledge of Allegiance.

REVIEW AND ACT:

March 23, 2009 Regular Meeting Minutes:

Member Zang made a motion to accept the March 23, 2009 Regular Session Meeting Minutes as written. Member Cooper seconded the motion. The motion carried.

Financials and Account Balances:

Member DeVary made a motion to accept the Financials and Account Balances as written. Member Moore seconded the motion. The motion carried.

Administrator's Report:

Member Moore asked the Town Administrator if the electric work at the Pavilion had been completed. The Administrator said the electrical work was done and the potholes were filled as well. Member Cooper asked if there were any vandalism problems in the park and the Town Administrator said nothing was reported at the park, however there was some theft being reported around the Town such as statues, flowers, bird houses etc. She also reported a car was vandalized.

Maintenance Report:

The Mayor reported that the Town had to order an emergency purchase of A arms for the mower. He explained that he had directed the maintenance crew to begin cleaning around the fence area of the sewage plant, which had not been cut in years. He said the arm was fully extended and the arm snapped in half. He said the mower should be back in nearly new condition this week.

March 2009 Water and Wastewater Report:

The Mayor asked the Town Administrator if the new permit had arrived at Town Hall. She said that it had not arrived from MDE, however all the documentation were sent and it was just a matter of MDE sending out the letter.

NEW BUSINESS:

Cecil County Health Department – Community Health Survey – Stephanie Garrity

Ms. Garrity explained that every five years the Health Department conducts Community Health Surveys. She said this year they are in partnership with Union Hospital. She went on to explain the surveys help give useful information on the needs of the communities and that information is also used in allocation of funds for health plans in the communities. She asked if the Town could make sure the surveys were given out throughout the Town. She also explained that for the first time information would now be able to be pulled out of the data by zip code, which would enable the Department to be very specific in searching the needs of the community. She said the survey should be completed by May 15, 2009.

URS Corporation – Chris Rogers – Fifty-Five Plus, LLC Development:

Mr. Rogers explained he was in attendance to discuss the Open Space issues with the proposed Fifty-Five Plus Development. The Development has received conditional final plat approval from the Planning and Zoning

Commission. He said that they still needed to come back before the Council for Public Works Agreement approval. He explained that last week they went before the Planning and Zoning Commission for the Commission to review an Open Space Plan for Fifty-Five Plus. He said that the space is a PUD and requires 30% open space and that 70% of that open space must be improved with recreational amenities either passive or active. He said that they are proposing a community center, horseshoe pits, walking trail, and with the approval of the Planning Commission, they have also included the storm water facilities in the improved Open Space. Mr. Rogers said that the issue before the Mayor and Council would be whether the Town would allow a traditional HOA to maintain the Open Space areas. He said that traditionally the Town has not been in favor of any HOA's. He said the options for the Town would be: 1) A Traditional HOA, formed by the developer, reviewed by the Town attorney, every home owner has to be a member and they are responsible for maintaining the Open Space. He said that traditionally the other people that live in Town would not be able to use any of that Open Space and it would only be available to the members of the HOA. 2) Total Public Dedication to the Town: That would mean the Town would control everything. 3). Some sort of a hybrid association. That may mean that the association has control of the maintenance but the Town would be able to exercise oversight and some sort of control. He said who pays for what has not been discussed at this time.

He said the issue of the HOA needs to be resolved before the Public Works Agreement is addressed. He said that Fifty-Five Plus wants a HOA and control of the community center, trails, etc.

Member Zang said that the builder would not have control, the Homeowners Association would have control and a lot the associations fall apart and then it becomes a problem for the Town. Mr. Rogers agreed that was the downside of HOA's. That sometimes the homeowners do not want to participate and the facilities start to deteriorate. He went on to say that they would have to maintain the stormwater management by law.

Mayor Bunnell asked if the HOA would be incorporated? Mr. Rogers said the answer was yes. The Mayor said the only way he would consider a "hybrid" would be if ultimately, any changes to the original document (that the Council agreed to) would have to have final approval before the Mayor and Council. He said that he explicitly wanted verbiage to effect that if the organization failed then it would be turned over to the Town with no opportunity for remediation, no restart up, no second chance. If the HOA falls apart then there will be no opportunity for a new or revised HOA to restart.

Member Zang asked if the developer was the one responsible for forming the HOA. Mr. Rogers said that traditionally, the Mayor and Council would make them responsible. The Mayor said that if Fifty-Five Plus were to insist on a HOA, that he, the Mayor would not be comfortable signing any document that did not allow for the Mayor and Council to have overall control. He said that they could suggest any changes that they wanted, but those changes would have to come before the Mayor and Council for approval.

Member Zang asked if a maintenance building was being planned for the development. Mr. Rogers said that had not been discussed at this time and traditionally the HOA's subcontracted out the work to maintenance corporations. The Mayor said that he thought that the legal language would have to be explicit to cover a lot of different situations.

Member DeVary said that the last discussion was about combining the two community centers together as one Town center. He asked Mr. Rogers if, at the last meeting with Planning and Zoning, did Fifty-Five Plus seem to want to just have there own center now. He said he did not think the Town would want to take on the responsibility of the building and having to maintain another building in the Town. The Mayor said that it was a long way off for the building of the Town community center that had been previously discussed. He said the last communication he had with Fifty-Five Plus was that they wanted to keep there own building. Mr. Rogers said that they think having there own community center is a positive thing and a great marketing tool.

Mr. Rogers said that no decision needed to be made this evening, and that he just wanted to inform the Mayor and Council that it was an issue that needed to be addressed.

Bid Ad For Paving Center Street:

Mayor Bunnell read The Request for Proposals for Asphalt Paving of Center Street (attached) that will be placed in the newspaper, the Cecil Whig. Member Zang added that there should be a 10% retainage fee until accepted.

State of the Municipality Address:

Mayor Bunnell read the State of the Municipality Address of 2009 (attached).

Budget Proposal For Year 2010:

No Comment

Capital Improvement Plan 2010:

Mayor Bunnell read the Capital Improvement Plan 2010 (attached).

The Mayor said that the Employment Contract for the Town Administrator would be discussed at the organizational meeting scheduled for the first Monday after the election in a closed session meeting before the regular meeting. He also said that all of the Employees evaluation reports would be discussed at that time as well as the evaluation of the Town Administrator.

OLD BUSINESS:

No comment.

INFORMATIONAL ITEMS:**Public Comments:**

No comment

Good of the Order:

Mayor Bunnell provided a copy (attached) of the Maryland General Assembly Legislation Affecting Budgetary Decisions Memorandum to all the Council. The Memorandum was provided by the MML.

Member DeVary asked if the signs were installed for St. Stevens Church. Member Zang said they were installed. The Town Administrator said the "Welcome" sign for Cecilton was being repaired.

Member Zang reported that an incident occurred that involved the State Police and young man, not from the Town of Cecilton. He said the Town was asked to draft a letter stating that the young man was banned from Town property. Member Zang spoke to the Town's attorney, Charlie Scott, and was told that the Town would not be able to do that. Member Zang suggested that perhaps the Town would need to create an Ordinance that would allow for some way to manage these situations. He said the youngster was 13 years old and had brass knuckles and a knife. He went on to say that was the type of thing that he did not want to have on the Town Property. Mayor Bunnell said that one of the reasons that the Town was prohibited from addressing that issue at this time was because of Project Open Space funding to the Town. Mayor Bunnell said he would speak to MDE and see if there was a solution to the problem that they could suggest. He said he also sat down with members of the Sheriff's department and they dedicated at least one officer and every day when they (the Sheriff's dept) change shifts it is emphasized that patrols need to be in the Cecilton area.

Member Zang said that the Mayor and Council should send a thank you letter to the Maryland State Police, North East Barracks, for their assistance in apprehending the young man.

The Town Administrator said she had already spoken to the Town attorney and the only thing the Town could do at this time was to pass an ordinance to help control the situation. There was further general discussion about some of the problems in the park area. It was decided that "Reba's" house should be torn down to help prevent vandalism in the Park. The Council agreed to contact the Fire Company to see if they could burn the property as a "controlled burn".

The Town Administrator said she had been approached to see if the Town could put a four-way stop sign at the corner of Ariel and Jacobs. It was agreed that the Mayor and Council would revisit the issue at the next meeting. Member Moore reminded all present that the First Annual Spring Festival was still scheduled for May 16, 2009. She reviewed her attempts to contact Car Show Entrants.

Dates changed for meetings:

The Mayor announced that it is mandatory to have the organizational meeting on May 11, 2009 due to the election on May 4, 2009.

The regular meeting scheduled on Monday, May 25, 2009 was rescheduled for Tuesday, May 26, 2009 due to the Memorial Day Holiday.

The June 10, 2009 meeting was changed to June 17, 2009 and the meeting on Monday, June 22, 2009 was cancelled.

ADJOURN:

Respectfully submitted:

John J. Bunnell
Mayor

Patricia Trucksess